

REMARKS

This application has been carefully reviewed in view of the above-referenced Office Action, and reconsideration is requested in view of the following remarks.

Regarding the Double Patenting Rejection

Claims 1-3, 12-13, 19, 21-28 and 32-38 of the instant application are unpatentable over claims 1-29 of U.S. Patent No. 6,661,409, hereinafter the '409 reference, on the ground of nonstatutory obviousness-type double patenting. Claims 4-11, 14-18 and 29-?? are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-29 of '409 in view of Kuriyama et al. (U.S. 5,838,302).

While Applicant respectfully disagrees with the interpretation of the instant claims vis-à-vis the claims of the '409 reference, a timely filed terminal disclaimer is being filed herewith in the interest of moving forward the prosecution of this application. Applicant renews for the record the other differences noted between the instant claims and various claims of the '409 reference, noted in the November 21, 2006 response. Applicant moreover notes that in certain of the claims of the instant application, claim 1 for instance, "a display element" is a separate element from "a touch input screen" and thus the recitation in the claims that the display element is "operable to display one or more of recognized text and digital ink" makes it clear that the display of digital ink in the display element is different from the display of handwritten ink in a touch input area as shown in the '409 reference.

Regarding the Rejections Under 35 U.S.C. §102/103

Claims 1-3, 19, 21-22, 24-28, and 32-38 are rejected under 35 USC 102(e) as being anticipated by Demartines et al. reference of record, the '409 patent referenced above. Claim 4 is rejected under 35 USC 102(b) as being anticipated by Kuriyama et al. (US 5,838,302). Claims 4-11, 14-18 and 29-31 are rejected under 35 USC 103(a) as being unpatentable over the Demartines et al. '409 patent in view of '302. Claims 12 and 13 are rejected under 35 USC 103(a) as being unpatentable over '409. Claim 23 is rejected under 35 USC 103(a) as being unpatentable over '409 in view of Lui et al (US 6,256,009). Applicant respectfully traverses these grounds.

The terminal disclaimer filed herewith removes the '409 reference as a valid basis of a 102(e) or 103 reference. Moreover, with regard to whether the '409 reference would be a valid

reference in connection with a potential 35 USC 102(a) reference, Applicant respectfully but strenuously points out that there are various elements of the claims that are not anticipated by the '409 reference. The phrase "said display element operable to display one *or more* of recognized text and digital ink that corresponds to the written input provided to the touch input screen" of claim 1, for example, is clearly not taught, disclosed or otherwise anticipated by the '409 reference. The '409 reference, a commonly assigned patent to the instant application, does not teach, suggest or anticipate displaying digital ink in a display element that is an element claimed separate from a touch input screen as recited in one or more of the claims. The '409 reference only teaches displaying recognized text in a display area separate from a touch input screen and thus does not meet the recitation of "one or more" of recognized text and digital ink found in claim 1, for instance.

With regard to the rejection of claim 4 over the '302 reference, applicant has amended this claim.

Concluding Remarks

The undersigned additionally notes that other distinctions may exist between the cited art and the claims, and reiterates the distinctions previously discussed in the prior response. In view of the clear distinctions pointed out above, further discussion is believed to be unnecessary at this time. Failure to explicitly address each point raised in the Office Action should accordingly not be viewed as accession to the Examiner's position or an admission of any sort.

In view of this communication, all claims are believed to be in condition for allowance and such is respectfully requested at an early date. If further matters remain to be resolved, the undersigned respectfully requests the courtesy of an interview. The undersigned can be reached at the telephone number below.

Respectfully submitted,
/Renee' Michelle Leveque/
Renee' Michelle Leveque
Registration No. 36,193
Leveque Intellectual Property Law, P.C.
221 East Church Street
Frederick, MD 21701
301-668-3073